

REMARKS

Claims 1-12 were pending in the application. Claim 1 is amended to include the limitations of claim 4 and to recite "comprising" language for clarity. Claim 4 is cancelled. Claim 7 is rewritten in independent form to include the limitations of claims 1 and 6. Claim 10 is amended to depend from claim 7. Claims 2, 9, and 11 are amended to remove the recitation "in particular." Claim 3 is amended to depend from claim 2. Claim 5 is amended to specify that the "jacket-shaped surface" has a cylindrical shape. Support for this amendment may be found, for example, on page 9, line 26 in the specification. Claim 6 is amended to recite "first and second lines" rather than "two lines." Claim 8 is amended to depend from claim 6. New claim 13 is added. Support for new claim 13 may be found, for example, on page 7, lines 1-9 of the specification. No new matter is added. Claims 1-3 and 5-13 are now pending in the application.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 7 and 10 would be allowable if rewritten to overcome rejections under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. In response, Applicant has rewritten claim 7 in independent form to include the limitations of claims 1 and 6 and has amended claims 7 and 10 to overcome outstanding rejections under 35 U.S.C. 112, second paragraph.

In view of the amendments to claims 7 and 10, Applicant respectfully requests that these claims be allowed.

Objections to the Specification

The specification is objected to over the lack of required headings and the reference to claims in the specification. In response to these objections, the specification is amended to include appropriate headings and to remove references to claims. No new matter has been added. Accordingly, Applicant respectfully requests that the objections to the specification be withdrawn.

Claims Objections

Claim 8 is objected to over a typographical error. Claim 8 is amended to correct the typographical error. Applicant respectfully requests that the objection to claim 8 be withdrawn.

Claims Rejections 35 U.S.C. 112

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

Claim 1 is rejected over the phrase "it includes" because it is not clear what "it" refers to. Claim 1 is amended to remove the recitation and to clarify the claim language.

Claims 2, 9, and 11 are rejected over the phrase "in particular." Claims 2, 9, and 11 are amended to remove the recitation of the phrase.

Claim 3 is rejected over insufficient antecedent basis for the term "the recess." Claim 3 is amended to depend from claim 2 to provide antecedent basis for "the recess."

Claim 5 is rejected over the meaning of the limitation "jacket-shaped surface" and insufficient antecedent basis for the terms "the body" and "the cover." Claim 5 is

amended to recite “cylindrical jacket-shaped surface” to make clear that the surface has a cylindrical shape. The incorporation of the limitations of claim 4 into claim 1 provides antecedent basis for “the body” and “the cover.”

Claim 7 is rejected over insufficient antecedent basis for “the first line.” Claim 7 is amended to include the limitations of claims 1 and 6, which provides the required antecedent basis.

Claim 8 is rejected over insufficient antecedent basis for “the second line.” Claim 6 is amended to recite first and second lines and claim 8 is amended to depend from claim 6 to provide the required antecedent basis.

Claim 12 is rejected over insufficient antecedent basis for “the cover.” Claim 1 is amended to recite the limitations of claim 4, which provides the missing antecedent basis.

In view of the amendments to the claims, Applicant respectfully requests that the rejection of claims 1-12 under 35 U.S.C. 112, second paragraph, be withdrawn.

Claims Rejections 35 U.S.C. 102

Claims 1, 5, 6, 8, 8, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Moskob (US 6,280,359). The Examiner’s rejection has been carefully considered.

Claim 1 is amended to recite the limitations of claim 4, which, according to the Examiner, is not anticipated by Moskob. In view of the amendment to claim 1, Applicant respectfully requests that the rejection of claims 1, 5, 6, 8, 8, and 11 under 35 U.S.C. 102(b) be withdrawn.

Claims Rejections 35 U.S.C. 103

Claims 2, 3, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Moskob** (US 6,280,359) in view of **Branov** et al. (US 2004/0014545 A1). The Examiner's rejection has been carefully considered.

Claim 1 is amended to recite the limitations of claim 4, which, according to the Examiner, is not unpatentable over by Moskob in view of Branov. In view of the amendment to claim 1, Applicant respectfully requests that the rejection of claims 2, 3, and 12 under 35 U.S.C. 103(a) as being unpatentable over Moskob in view of Branov et al. be withdrawn.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Moskob** (US 6,280,359). The Examiner's rejection has been carefully considered.

The presently claimed invention is eccentric gearing for displacing two parts positioned in a manner that enables them to move relative to one another. The eccentric gear is actively connected to a coupling element placed inside the recess of a fastening flange.

Moskob teaches a gear drive unit in which an eccentric gear is integrated into the armature of an electric motor. The cylindrical motor housing 5 comprises coils 4 for driving the armature, and forms the walls for the gear housing. The housing wall 5, comprises a housing bottom 2 and a top (housing cap 6). If one were to mount the complete gear drive unit to a chassis, the unit would be rotationally coupled through driver 15 to a movable part. The cylindrical side walls of the housing would then be pressed into corresponding recesses of the stationary chassis. In this case, housing cap 6 would not, as the Examiner asserts, be equivalent to the fastening flange according to the presently claimed invention because housing cap 6 is unsuitable for

fastening the gear drive unit to one of two parts that move relative to one another. Additionally, even if one were to incorrectly equate housing cap 6 in Moskob with the fastening flange of the presently claimed invention in which eccentric element 20 is arranged, Moskob does not in any way hint at a gearing housing body and a cover, each of which is fastened to an axial side of the fastening flange.

The fastening flange 60 is the central static element for the construction of the of the presently claimed invention eccentric gearing because the force from a collision is diverted through fastening flange connecting elements 99 to the guide bolts 80. The parts of the gearing housing, which are not required to absorb large forces, are arranged on both axial sides of the fastening flange. Because the total force of a crash is diverted through the fastening flange 60, the body and cover for the gearing housing may be made of plastic.

Moskob provides no motivation for one skilled in the art to arrange the body of a gearing housing on one side and the housing cover on the other side. If one were to interpret the housing cap 6 in Moskob as a fastening flange, the flange could not possibly be made of plastic because it would have to absorb high forces in the event of a crash and transmit these forces to an immovable part of the chassis.

Branov does not remedy the failing of Moskob to teach or suggest the arrangement of a coupling element within a recess of a fastening flange such that the body of a gearing housing is on one axial side and the housing cover on the other axial side.


In summary, Applicant respectfully requests that the rejection of claim 4 under 35 U.S.C. 103(a) as being unpatentable over Moskob be withdrawn because Moskob does not teach or suggest: [1] a coupling element (54) placed inside a recess (67) of a fastening flange (60) that enables the eccentric gearing (10) to be fixed on one of the two parts (8, 9); or [2] a gearing housing (12) including a body (14) made of plastic, and

a cover (16), each of which is fastened to an axial side (59, 61) of the fastening flange (60).

Conclusion

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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